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REMARKS

This amendment is responsive to the Office Action of April 5, 2006. Reconsideration and allowance of claims 2-3, 5-13, 15-22, 24-25, and 29-44 are requested.

The Office Action

Claims 1-44 stand rejected under 35 U.S.C. § 101. The Examiner asserts that the claims recite a readable medium or memory having a mere arrangement of data.

Claims 1, 3, 4, 7-12, 14, 17, 20, 23-27, 30, 34-38, and 41 stand rejected under 35 U.S.C. § 102 as being anticipated by Arellano (US 2004/0128624).

Claims 2, 6, and 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Arellano in view of Maissel (US 6,637,029).

Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Arellano in view of Ali (US 2002/0199194).

Claims 15, 21, 28, 31, 39, 42, and 44 stand rejected under 35 U.S.C. § 103 as being unpatentable over Arellano in view of Elenbass (US 2005/0028194).

Claims 16, 22, 29, 32, 33, 40, and 43 stand rejected under 35 U.S.C. § 103 as being unpatentable over Arellano in view of Elenbass, further in view of Marsh (US 2005/0185933).

Claims 18 and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Arellano in view of Sezan (US 2005/0091686).

35 U.S.C. § 101

The claims have been carefully amended to address and resolve the 35 U.S.C. § 101 rejection. Specifically, all claims now call for a data processing system, a computer program, or a method which performs operations and is otherwise functional.

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**The Claims Distinguish Patentably
Over the References of Record**

Claim 5 has been amended to call for a data processing system which includes several structures including a demultiplexer, an analyzer, a storing computer routine for storing facts, etc., in an adaptive memory, and a reasoning and fact reconciling computer routine. Arellano fails to disclose a data processing system with this organization. Ali also fails to disclose such a computer processing system organization.

Claim 5 further calls for a reasoning and fact reconciling computer routine which controls the adaptive memory to create at least one link to a content node and weak links to others of the hierarchically linked index nodes in the adaptive memory. Paragraphs [0062]-[0073] of Ali, on which the Examiner focused in rejecting claim 5, address an analytical method for calculating correlation factors from the pair matrix for each programmed pair. While this section of Ali is concerned with trying to predict content which will appeal to the user, the correlation and prediction scheme does not use a hierarchy of linked index nodes, much less a computer routine which creates a link to a content node or weak links to other index nodes, which weak links do not fit into the hierarchy. Accordingly, it is submitted that **claim 5 and claims 2-3, and 6-9 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 10 has been amended to incorporate the snapshot limitations of claim 14. Further, the term "snapshot" has been clarified in light of the "snapshots" section starting on page 21 of the specification. Claim 10 now calls for updating an adaptive personal memory based on the analysis of content and behaviors of a relevant user. Further, claim 10 calls for the processor to periodically generate snapshots of user viewed content and behavior, each snapshot representing a preceding period since the generation of a prior snapshot. Further, claim 10 calls for analyzing a series of the snapshots to determine user behavior trends and patterns in content experienced by the user. Arellano neither discloses such an organization nor the use of snapshots as currently claimed. Paragraph [0090] referenced by the Examiner refers to a modeling system which provides a repository for representations of user preferences. Paragraph [0018] indicates that modeling is an inexact science, and that such models can range from storing a bit indicating if a user is a novice or

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expert in terms of the application to a rich, complex snapshot of the user's interest and preferences. Although these paragraphs of Arellano suggest using modeling techniques to find patterns and trends, Arellano does not suggest *periodically generating snapshots and analyzing a series of such snapshots* to determine patterns and trends. Accordingly, it is submitted that **claim 10 and claims 11-13 and 15-16 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 17 has been amended to call for an adaptive memory and a processor which maintains the adaptive memory. Further, the code implemented by the processor analyzes the experienced content, the user behavior, and responses to at least one query to create updated data and updates the adaptive memory with the updated data. The updating and analyzing are to be done using modal, non-monotonic logic. The present application acknowledges that non-monotonic logic and modal operators are known mathematical techniques. But, the present application finds them particularly advantageous techniques relative to other logic techniques. Elenbass, at paragraph [0046], lines 16-20, provides a list of logic or reasoning process which he presents as being equivalent. There is no suggestion in Elenbass or Arellano that non-monotonic reasoning is superior. Neither Elenbass nor Arellano provide any motivation for picking non-monotonic reasoning out of the list. The Office is reminded that:

"When prior-art references require a selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Something in the prior art as a whole must *suggest the desirability*, and thus the obviousness, of making the combination. It is impermissible to use the claims as a frame and the prior-art references as a mosaic to piece together a facsimile of the claimed invention." (emphasis added) *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). (emphasis added)

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Regarding the modal limitation, paragraphs [0032], [0035], and [0036] of Marsh referenced by the Examiner do not specifically disclose modal logic, much less provide any motivation for the specific combination of modal, non-monotonic logic, much less using modal, non-monotonic logic in the present environment in conjunction with analyzing data and updating an adaptive memory. Accordingly, it is submitted that **claim 17 and claims 18-22 dependent therefrom** distinguish patentably and unobviously over the references of record.

Method **claim 29** has been placed in independent form including the subject matter of its parent claims and the Examiner's suggestion of specifically reciting a computer program. Claim 29 now calls for performing at least one of maintaining, analyzing, and updating steps using non-monotonic logic, which non-monotonic logic is modal logic. Elenbass, cited by the Examiner, provides a list of various applicable logic techniques, all presented as equivalents. There is no suggestion in Elenbass that one of these techniques, particularly non-monotonic logic, would be superior. Further, Marsh does not specifically disclose modal logic in cited paragraphs [0032], [0035], or [0036], much less provide any motivation or reason to suspect that the combination of modal, non-monotonic logic in the data processing method of claim 29 would be superior or advantageous to other methods. Accordingly, it is submitted that **claim 29 and claims 24-25 and 30-33 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 34 is directed to a computer program embodying code for causing a data processing system to perform operations to maintain at least one adaptive personal memory. A series of code elements are set forth including a code which periodically creates a snapshot depicting the captured relevant user's experienced content and behavior over a preceding period.

Claim 34 also calls for a code for analyzing a plurality of snapshots to develop patterns, trends, and tendencies in a relevant user's behavior. The only reference to a snapshot appears in paragraph [0018] of Arellano. However, Arellano does not suggest periodically generating snapshots and then analyzing a plurality of the snapshots to develop patterns, trends, and tendencies in the relevant user's behavior. Accordingly, it is submitted that **claim 34 and claims 35-44 dependent therefrom** distinguish patentably and unobviously over the references of record.

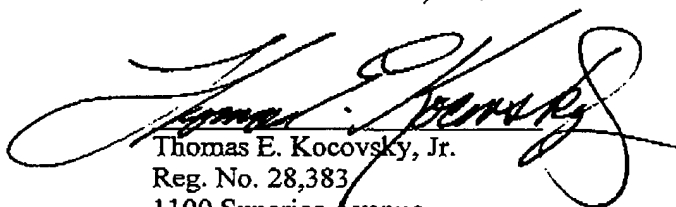
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CONCLUSION

For the reasons set forth above, it is submitted that claims 2-3, 5-13, 15-22, 24-25, and 29-44 meet the statutory requirements and distinguish patentably over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,383
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579
(216) 861-5582

Mail All Correspondence to:
Yan Glickberg, Reg. No. 51,742
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9618 (tel)
(914) 332-0615 (fax)